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AMENDED IN ASSEMBLY MAY 26, 2006

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 3028

Introduced by Assembly Member Laird

February 24, 2006

An act to amend Sections 14012 and 65080 of the Government Code, *and* to amend Section 31408 of, and to add Section 31410; to, the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 3028, as amended, Laird. California Coastal Trail.

(1) Existing law authorizes the Legislature to transfer excess specified coastal zone property to specified agencies, including the State Coastal Conservancy, under specified circumstances.

This bill would require the Department of Transportation, consistent with existing law, to annually identify excess coastal zone property and provide the information to specified agencies, including the State Coastal Conservancy.

(2) Existing law requires designated transportation planning agencies to prepare and adopt a regional transportation plan that includes a policy element, an action element, and a financial element.

Existing law requires the plan to be directed at achieving a coordinated and balanced regional transportation system.

This bill would require those transportation planning agencies, with jurisdiction over components of the California Coastal Trail, as specified, to coordinate with specified agencies regarding development of the coastal trail, and to include provisions for the coastal trail in their regional transportation plans. Because the bill thereby would increase the duties of local agencies, it would impose a state-mandated local program.

(3) Existing law requires the State Coastal Conservancy, in consultation with the Department of Parks and Recreation and the California Coastal Commission, to coordinate the development of the California Coastal Trail. Existing law requires each agency, board, department, or commission of the state with property interests or regulatory authority in coastal areas, to the extent feasible, and consistent with their individual mandate, to cooperate with the conservancy with respect to planning and making lands available for completion of the trail.

This bill would authorize a state agency awarding grants to public agencies and nonprofit organizations or issuing a permit for a development project, undertaken by a public agency, that is located near the California Coastal Trail, as specified, to condition the grants or the issuance of the permit upon providing public access ~~along the coastal trail or providing public access to the trail or from the trail to the coast, as specified.~~ The bill would specify circumstances under which that authorization would not apply. The bill would require the conservancy to also consult with the Department of Transportation in coordinating development of the coastal trail.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The California Coastal Act of 1976 required local
4 jurisdictions to identify an alignment for the California Coastal
5 Trail in their local coastal plans to be, ideally, continuous and
6 located along the shoreline.

7 (b) In 1999, the Governor designated the California Coastal
8 Trail as California's Millennium Legacy Trail.

9 (c) In 1999, the White House Millennium Trail Council
10 encouraged federal agencies to assist in the development of the
11 California Coastal Trail.

12 (d) ACR 20 of the 2001–02 Regular Session declared the
13 California Coastal Trail to be an official state trail and urged the
14 State Coastal Conservancy and the California Coastal
15 Commission to work collaboratively to complete the trail.

16 (e) SB 908 of the 2001–02 Regular Session (SB 908) required
17 the State Coastal Conservancy, in consultation with the
18 Department of Parks and Recreation and the California Coastal
19 Commission, to coordinate the development of the California
20 Coastal Trail.

21 (f) SB 908 authorized the State Coastal Conservancy to award
22 grants and provide assistance to public agencies and nonprofit
23 organizations to establish and expand inland trail systems that
24 may be linked to the California Coastal Trail. Division 21
25 (commencing with Section 31000) of the Public Resources Code
26 expresses the Legislature's intent that the State Coastal
27 Conservancy have a principal role in the implementation of a
28 system of public accessways to and along the state's coastline,
29 and provides authority to the State Coastal Conservancy to award
30 grants to public agencies and nonprofit organizations to acquire
31 land, or any interest therein, or to develop, operate, or manage
32 lands for public access purposes to and along the coast, on terms
33 and conditions as the State Coastal Conservancy specifies.

34 (g) SB 908 directed state entities with property interests or
35 regulatory authority in coastal areas, to the extent feasible, and
36 consistent with their individual mandate, to cooperate with the
37 State Coastal Conservancy with respect to planning and making
38 lands available for completion of the California Coastal Trail.

1 (h) SB 908 directed that the California Coastal Trail be
2 developed in a manner that demonstrates respect for property
3 rights and nearby residential uses, and consideration for the
4 protection of the privacy of adjacent property owners.

5 SEC. 2. Section 14012 of the Government Code is amended
6 to read:

7 14012. (a) The director may sell or lease excess right-of-way
8 parcels to municipalities or other local agencies for public
9 purposes, and may accept as all or part of the consideration for
10 such sale or lease any substantial benefits the state will derive
11 from the municipality or other local agency's undertaking
12 maintenance or landscaping costs that would otherwise be the
13 obligation of the state.

14 (b) Consistent with Section 9 of Article 19 of the California
15 Constitution, the department shall annually identify excess
16 property in the coastal zone, as defined in Section 30103 of the
17 Public Resources Code, and provide the information to the State
18 Coastal Conservancy, the Department of Parks and Recreation,
19 the Wildlife Conservation Board, and the Department of Fish and
20 Game.

21 SEC. 3. Section 65080 of the Government Code is amended
22 to read:

23 65080. (a) Each transportation planning agency designated
24 under Section 29532 or 29532.1 shall prepare and adopt a
25 regional transportation plan directed at achieving a coordinated
26 and balanced regional transportation system, including, but not
27 limited to, mass transportation, highway, railroad, maritime,
28 bicycle, pedestrian, goods movement, and aviation facilities and
29 services. The plan shall be action-oriented and pragmatic,
30 considering both the short-term and long-term future, and shall
31 present clear, concise policy guidance to local and state officials.
32 The regional transportation plan shall consider factors specified
33 in Section 134 of Title 23 of the United States Code. Each
34 transportation planning agency shall consider and incorporate, as
35 appropriate, the transportation plans of cities, counties, districts,
36 private organizations, and state and federal agencies.

37 (b) The regional transportation plan shall include all of the
38 following:

39 (1) A policy element that describes the transportation issues in
40 the region, identifies and quantifies regional needs, and describes

1 the desired short-range and long-range transportation goals, and
2 pragmatic objective and policy statements. The objective and
3 policy statements shall be consistent with the funding estimates
4 of the financial element. The policy element of transportation
5 planning agencies with populations that exceed 200,000 persons
6 may quantify a set of indicators, including, but not limited to, all
7 of the following:

8 (A) Measures of mobility and traffic congestion, including, but
9 not limited to, vehicle hours of delay per capita and vehicle miles
10 traveled per capita.

11 (B) Measures of road and bridge maintenance and
12 rehabilitation needs, including, but not limited to, roadway
13 pavement and bridge conditions.

14 (C) Measures of means of travel, including, but not limited to,
15 percentage share of all trips (work and nonwork) made by all of
16 the following:

17 (i) Single occupant vehicle.

18 (ii) Multiple occupant vehicle or carpool.

19 (iii) Public transit including commuter rail and intercity rail.

20 (iv) Walking.

21 (v) Bicycling.

22 (D) Measures of safety and security, including, but not limited
23 to, total injuries and fatalities assigned to each of the modes set
24 forth in subparagraph (C).

25 (E) Measures of equity and accessibility, including, but not
26 limited to, percentage of the population served by frequent and
27 reliable public transit, with a breakdown by income bracket, and
28 percentage of all jobs accessible by frequent and reliable public
29 transit service, with a breakdown by income bracket.

30 (F) The requirements of this section may be met utilizing
31 existing sources of information. No additional traffic counts,
32 household surveys, or other sources of data shall be required.

33 (2) An action element that describes the programs and actions
34 necessary to implement the plan and assigns implementation
35 responsibilities. The action element may describe all projects
36 proposed for development during the 20-year life of the plan.

37 The action element shall consider congestion management
38 programming activities carried out within the region.

39 (3) (A) A financial element that summarizes the cost of plan
40 implementation constrained by a realistic projection of available

1 revenues. The financial element shall also contain
2 recommendations for allocation of funds. A county transportation
3 commission created pursuant to the County Transportation
4 Commissions Act (Division 12 (commencing with Section
5 130000) of the Public Utilities Code) shall be responsible for
6 recommending projects to be funded with regional improvement
7 funds, if the project is consistent with the regional transportation
8 plan. The first five years of the financial element shall be based
9 on the five-year estimate of funds developed pursuant to Section
10 14524. The financial element may recommend the development
11 of specified new sources of revenue, consistent with the policy
12 element and action element.

13 (B) The financial element of transportation planning agencies
14 with populations that exceed 200,000 persons may include a
15 project cost breakdown for all projects proposed for development
16 during the 20-year life of the plan that includes total expenditures
17 and related percentages of total expenditures for all of the
18 following:

- 19 (i) State highway expansion.
- 20 (ii) State highway rehabilitation, maintenance, and operations.
- 21 (iii) Local road and street expansion.
- 22 (iv) Local road and street rehabilitation, maintenance, and
23 operation.
- 24 (v) Mass transit, commuter rail, and intercity rail expansion.
- 25 (vi) Mass transit, commuter rail, and intercity rail
26 rehabilitation, maintenance, and operations.
- 27 (vii) Pedestrian and bicycle facilities.
- 28 (viii) Environmental enhancements and mitigation.
- 29 (ix) Research and planning.
- 30 (x) Other categories.

31 (c) Each transportation planning agency may also include
32 other factors of local significance as an element of the regional
33 transportation plan, including, but not limited to, issues of
34 mobility for specific sectors of the community, including, but not
35 limited to, senior citizens.

36 (d) Each transportation planning agency shall adopt and
37 submit, every three years, an updated regional transportation plan
38 to the California Transportation Commission and the Department
39 of Transportation. The plan shall be consistent with federal
40 planning and programming requirements. A transportation

1 planning agency that does not contain an urbanized area may at
2 its option adopt and submit a regional transportation plan once
3 every four years beginning by September 1, 2001. Prior to
4 adoption of the regional transportation plan, a public hearing
5 shall be held, after the giving of notice of the hearing by
6 publication in the affected county or counties pursuant to Section
7 6061.

8 (e) Each transportation planning agency, with jurisdiction over
9 components of the California Coastal Trail located within the
10 coastal zone, as defined in Section 30103 of the Public Resources
11 Code, shall coordinate with the State Coastal Conservancy, the
12 California Coastal Commission, and the Department of
13 Transportation regarding development of the California Coastal
14 Trail, and each transportation planning agency shall include
15 provisions for the California Coastal Trail in its regional
16 transportation plan.

17 SEC. 4. Section 31408 of the Public Resources Code is
18 amended to read:

19 31408. (a) The conservancy shall, in consultation with the
20 Department of Parks and Recreation, the California Coastal
21 Commission, and the California Department of Transportation,
22 coordinate the development of the California Coastal Trail.

23 (b) To the extent feasible, and consistent with their individual
24 mandates, each agency, board, department, or commission of the
25 state with property interests or regulatory authority in coastal
26 areas shall cooperate with the conservancy with respect to
27 planning and making lands available for completion of the trail,
28 including constructing trail links, placing signs, and managing
29 the trail.

30 SEC. 5. Section 31410 is added to the Public Resources
31 Code, to read:

32 31410. (a) A state agency awarding grants to public agencies
33 and nonprofit organizations may condition the grant upon the
34 agency or organization providing public access ~~along the~~
35 ~~California Coastal Trail or providing public access to the trail or~~
36 ~~from the trail to the coast.~~ *for all or any combination of the*
37 *following:*

38 (1) *Along the California Coastal Trail.*

39 (2) *To the California Coastal Trail.*

40 (3) *From the California Coastal Trail to the coast.*

(b) A state agency issuing a permit for a project described in paragraph (2) of subdivision (e) may condition the issuance of the permit upon the public agency providing public access ~~along the California Coastal Trail or providing public access to the trail or from the trail to the coast.~~ *for all or any combination of the following:*

(1) *Along the California Coastal Trail.*

(2) *To the California Coastal Trail.*

(3) *From the California Coastal Trail to the coast.*

(c) Subdivision (b) shall not apply if the project does not qualify as a new development project for the purposes of Section 30212.

(d) Subdivisions (a) and (b) shall not apply under any of the following conditions:

(1) The state agency providing funding or issuing the permit has determined that a superior alternative exists for the uncompleted California Coastal Trail or access to the coast.

(2) The public agency would be required to invoke eminent domain in order to comply with a permit or funding condition imposed pursuant to subdivision (a) or (b).

(e) For the purposes of this section, the following definitions apply:

(1) “Providing public access” means providing for an interest in land through means that include, but are not limited to, a dedicated easement or a right of way.

(2) “Project” means a development project undertaken by a public agency that is located adjacent to or along an uncompleted portion of the California Coastal Trail.

(f) This section does not diminish or abridge a public agency’s existing expressed or implied authority or otherwise relieve public agencies of the duty to comply with any other applicable legal requirements.

SEC. 6. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.